


**Wichita Police Department Policy Manual**Approved by: **Policy 901 - Administrative Internal Investigations**

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Maintained by: Professional Standards

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- 901.01 Purpose: The purpose of this policy is to establish standard procedures for the investigation of complaints or allegations of misconduct against the Wichita Police Department or any of its members; to ensure that the investigation of alleged misconduct is fair, impartial and complete; to safeguard the rights of the suspected or accused; to exonerate the innocent; and to ensure the confidentiality of Professional Standards Bureau files within the limits of the law.
- 901.02 Scope: The incidents to be investigated in accordance with the provisions of this policy are: alleged or suspected acts of misconduct and all incidents involving the discharge of a firearm. These incidents include:
- A. Those reported to a supervisor or commanding officer by:
 - 1. Members of the Department, either orally or in writing;
 - 2. Citizens, orally or in writing, by telephone or correspondence.
 - B. Those observed by supervisors.
 - C. Those initiated by the Chief of Police.
- 901.03 All completed documents concerning complaints of misconduct by any member of the Department shall be considered confidential. Once filed with the Professional Standards Bureau, such documents may not be viewed, copied or removed without the consent of a Deputy Chief, the Chief of Police, or upon the written order of a court of competent jurisdiction. Employees may receive a copy of an internal investigation when they are the subject of the investigation, provided they sign a protection order or agreement. Employees may view their Professional Standards Bureau file during business hours, by contacting the Professional Standards Bureau Commander.
- 901.04 The Compliment/Complaint Form [Form 325-203] is the intended means for a citizen to register a complaint of misconduct against a department member. When a citizen appears in person, a supervisor or Professional Standards Bureau investigator will conduct an interview and allow him/her to document his/her complaint on the Compliment/Complaint form, or the supervisor/investigator may complete the form for the citizen, when necessary. The supervisor/investigator will read the content of the complaint back to the complainant and ask for the complainant's acknowledgement of accuracy and signature. If the complainant elects not to sign, this fact shall be documented and the investigation will proceed.
- A. A citizen who makes a complaint by telephone will be encouraged to register the complaint in one of the following ways, ranked in order of preference:
 - 1. The complainant will be encouraged to schedule a time to speak with a supervisor/investigator and complete the compliment/complaint form.
 - 2. The supervisor/investigator will interview the complainant over the phone, complete the compliment/complaint form and read the content of the complaint back to the complainant and note the complainant's acknowledgment of accuracy.
 - 3. The investigator may mail the compliment/complaint form to the complainant. The investigator will ask the complainant to complete the form, sign it and return it in person or by mail.
 - B. When a complaint is made by letter, the letter itself will be the complaint document.
 - C. The Wichita Police Department Web Site version of the compliment/complaint form is an intended means for citizens to register a compliment or complaint.
 - D. In all cases of citizen complaints, the complainant will be encouraged to meet with the supervisor/investigator for an in-person interview, to ensure that the allegations are thoroughly and completely documented.
 - E. In accordance with the Memorandum of Agreement between the City of Wichita and the Fraternal Order of Police Lodge #5, all records, reports, statements and information contained in the Professional Standards Bureau files are confidential and may only be used by the employee in a grievance, as described in Article XIV, regarding discipline imposed on the matter which is the subject of records, statements and information obtained from the Professional Standards Bureau file.
 - F. When interviewing a complainant, only the complainant will be allowed in the interview room while the interview is being conducted, unless the complainant is a juvenile. A parent or guardian will be allowed to be present during an interview involving a juvenile complainant.

- G. Departmental reporting procedures will be used by members of the Department in registering, responding to, or investigating alleged acts of misconduct.

901.05 AUTHORITY AND RESPONSIBILITY:

- A. Each member of the Department shall perform the duties and assume the obligations of his/her rank in the investigation of complaints against members of the Department, and he/she shall fully cooperate with Professional Standards Bureau investigators or any other member(s) of the Department conducting such an investigation.
- B. When misconduct is observed, or a complaint of misconduct is received, supervisors and/or commanders shall initiate investigations themselves and not look to higher authority for initiation of such action.
- C. Responsibility for investigating alleged or suspected acts of misconduct by members of the Department shall be as follows:
1. Acts which are reported directly to the Professional Standards Bureau by either citizens or members of the Department may be investigated by the Professional Standards Bureau, or they may be referred to the Bureau Commander of the member who is the subject of the complaint [in accordance with Section 901.05 (D1)].
 2. Acts which initially come to the attention of a member's supervisor shall be investigated according to the following criteria:
 - a. If the penalty code for the highest alleged violation is either A, B, or C, the member's Bureau Commander or his/her designee shall ensure that the incident is completely investigated, unless the Bureau Commander requests and receives approval from the Chief of Police to transfer the complaint to the Professional Standards Bureau [through channels] for investigation; or
 - b. If the penalty code for the highest alleged violation is either D, E, or F, or if the allegation involves the use of force, the member's Bureau Commander or his/her designee shall ensure that an initial investigation of the complaint is conducted, then forward an investigative report to the Chief of Police [through channels]. The investigative report shall contain a concise explanation of the allegation, and include any supporting documentation available at the time of the report.
- D. The Professional Standards Bureau shall, upon receipt of a complaint, collect all available information and commence an investigation.
1. Should the complaint be of a minor alleged violation of WPD Policies and Regulations, the Professional Standards Bureau may refer the complaint to the member's Bureau Commander for disposition.
 2. Should the nature of the complaint allege that a violation of one or more laws has occurred the Professional Standards Bureau Commander shall immediately notify the Chief of Police. The Chief of Police shall then determine whether the complaint is to be investigated as an administrative internal investigation by the Professional Standards Bureau or as a criminal investigation by other members of the Department. In the event the Chief of Police determines that a criminal investigation is mandated, all Professional Standards Bureau investigation information pertaining to the criminal charges will be relinquished to the criminal investigators, except for that information obtained from the member after his/her Garrity warning, and any information derived from his/her statements subsequent to the Garrity warning.
- E. Administrative internal investigations shall be completed in a reasonable amount of time, which will vary based upon the nature and severity of the allegations, the number of interviews and volume of evidence, and the overall complexity of the investigation. If clarification is needed to determine what constitutes a reasonable or acceptable amount of time to complete a specific investigation, the supervisor/investigator should contact his/her Division Commander or the Professional Standards Bureau Commander.

901.06 CONDUCT OF ADMINISTRATIVE INTERNAL INVESTIGATIONS:

- A. Once a complaint is received, the members[s] of the Department named in the complaint will be notified in writing of the existence of the complaint and the allegations stated therein.
- B. At the conclusion of the investigation, the Professional Standards Bureau Commander shall notify the member[s], his/her/their supervisor[s], and the Chief of Police that the allegation[s] has been [have been]:
1. UNFOUNDED Allegation[s] is [are] false or not factual; or
 2. EXONERATED Incident occurred, but was lawful and proper; or
 3. NOT-SUSTAINED Insufficient evidence exists to either prove or disprove the allegation; or
 4. SUSTAINED An allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.

- C. At any time during the investigation or within ten (10) days after receipt of the notification of findings by the Professional Standards Bureau, any member of the Department may submit a written report on the incident at his/her discretion. This report will become an official part of the official investigative file.
- 901.07 During an administrative internal investigation, all members of the Department shall fully cooperate with the supervisor/investigator, and shall truthfully answer all questions asked.
- 901.08 R Any member of the Department found to have knowingly given false information, or to have concealed information during an administrative internal investigation will be subject to disciplinary action. [reference Regulation 3.206 F.]
- 901.09 During an administrative internal investigation, members of the Department do not have the right to have counsel present when being interviewed or questioned. Answers given during the investigation of an administrative matter will not be used against the member in any criminal proceeding; nor do they constitute a waiver of the privilege against self-incrimination, as in criminal matters.
- 901.10 EXAMINATIONS AND SEARCHES: Upon the order of the Chief of Police or the Acting Chief of Police, members of the Department shall submit to examination/searches if it is believed that such an examination could be pertinent to the administrative investigation.
- A. POLYGRAPH EXAMINATION: Members of the Department shall submit to a polygraph examination when the examination is specifically directed and narrowly related to a particular investigation being conducted by the Department. Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal, and no corroborating information has been discovered, members shall not be required to submit to a polygraph examination unless the citizen also submits to a polygraph examination which is specifically directed and narrowly related to the complaint.
- B. ADMINISTRATIVE SEARCHES: Property (vehicles, desks, files, computers or similar items or places) belonging to the City of Wichita is subject to inspection for investigative purposes.
- 901.11 R DISCIPLINARY ACTION: Based upon the final report, the Chief of Police may take one or more of the following courses of action:
- A. Verbal counseling;
- B. Written reprimand;
- C. Change of work assignment;
- D. Suspension without pay, ranging from one (1) to thirty (30) days;
- E. Demotion in rank or grade;
- F. Dismissal.
- 901.12 INVESTIGATION BY OTHERS: The Chief of Police may deem it necessary to assign an internal investigation to the Division Commander of the member[s] named in the complaint or to his/her designee, or to other investigators not assigned to the same Division as the member[s]. Any member of the Department who conducts investigations assigned by the Chief of Police is responsible for adhering to all policies, procedures and guidelines set forth in this policy.
- 901.13 When an investigation is concluded and reports have been submitted to the Chief of Police, he/she will determine if additional investigation is required.
- 901.14 NOTIFICATION OF RESULTS OF INVESTIGATION:
- A. Any Department member who has been investigated will be given a written notification of the disposition of the finding of the investigation, [in accordance with Section 901.06 (B)] by the Departmental unit which conducted the investigation.
- B. Investigative reports shall be maintained in the Professional Standards Bureau, and will not be made a part of the member's Departmental personnel file. Only copies of suspension notices will be sent to the Human Resources Director.
- C. The Chief of Police can order any member to submit to a psychological evaluation whenever the Chief determines such action to be necessary to ensure that no underlying factors are present that would affect his/her overall ability to perform his/her duties.
- 901.15 GRIEVANCE PROCEDURE: Members of the Department who wish to appeal a disciplinary decision shall follow their respective union agreement or the City of Wichita Human Resources Manual.